

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed November 21, 2005. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner indicates that Claims 1, 7-13, 15-17, and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Brendel, et al. in view of Swildens, et al. Since two references are being used in this rejection, Applicant is treating this rejection as a 35 U.S.C. §103(a) rejection since only one prior art reference can be associated with a 35 U.S.C. §102(e) rejection. Independent Claims 1, 13, and 17 recite in general the ability for a load balancer to provide identifying information associated with a gateway being managed by the load balancer to a client terminal. By contrast, the portion of the Brendel, et al. patent cited by the Examiner merely discloses caching of the IP address for a load balancing router 32 by its client browser 10. The Brendel, et al. patent does not disclose a capability for its client browser 10 to cache any information associated with a server 36. The only information received by client browser 10 of the Brendel, et al. patent is the IP address for the load balancing router 32. The Examiner has failed to cite any language in the Brendel, et al. patent that its client browser 10 receives any information associated with any server 36 within the server farm 38 as provided by the claimed invention. The client browser 10 of the Brendel, et al. patent only knows the existence of router 32 through the cached IP address and does not contain any information as to the existence of server farm 38 or servers 36 therein. Thus, the Brendel, et al. patent provides no capability for a load balancer to provide identifying information associated with a

gateway being managed by the load balancer to a client terminal as required in the claimed invention. Moreover, the Swildens, et al. patent does not include any additional disclosure combinable with the Brendel, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 1, 7-13, 15-17, and 19 are patentably distinct from the proposed Brendel, et al. - Swildens, et al. combination.

The Examiner has indicated that Claims 2-6, 14, 18, and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Brendel, et al. in view of Swildens, et al. and further in view of Kitai, et al. Since three references are being used in this rejection, Applicant is treating this rejection as a 35 U.S.C. §103(a) rejection since only one prior art reference can be associated with a 35 U.S.C. §102(e) rejection. Independent Claim 1, from which Claims 2-6 depend; Independent Claim 13, from which Claim 13 depends; and Independent Claim 17, from which Claims 18 and 20 depend, have been shown above to be patentably distinct from the Brendel, et al. patent. Moreover, the Swildens, et al. and Kitai, et al. patents do not include any additional disclosure combinable with the Brendel, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 2-6, 14, 18, and 20 are patentably distinct from the proposed Brendel, et al. - Swildens, et al. - of Kitai, et al. combination.

This Response to Examiner's Final Action is necessary to address the Examiner's interpretation of the cited art in support of the rejections to the claims. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the current interpretation of the cited art.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

Reg. No. 35,870

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